

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

AUGUST 25, 2015

PRESENT:

Marsha Berkgigler, Chair
Kitty Jung, Vice Chair
Vaughn Hartung, Commissioner*
Jeanne Herman, Commissioner
Bob Lucey, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

15-0732 AGENDA ITEM 3 Public Comment.

The following individuals spoke in support of hunting and recreational shooting on Peavine Mountain: Peewee Henson, Jeff Rodgers, Spencer Van Winkle, Ted Williams and Ronald Williams. The individuals agreed they were more than willing to share the mountain with the bicyclists and hikers but wanted the same respect for their recreational activities. The biggest concerns expressed included the erosion of the trails from bike tires, garbage being left behind and the lack of designated shooting areas. It was suggested to designate areas for shooting with signs to address safety concerns. There was a suggestion to reduce or eliminate safety risks by restricting other recreational activities during the two or three week hunting season in November. The individuals were willing to comply with any guidelines as long as they were still permitted to exercise their hunting and shooting rights.

George Newell questioned whether the Board had seen the contract for the Warm Springs Specific Plan (WSSP). He stated it had been 13 months since a formal request was made for the refund of money that was placed on deposit with the County for the WSSP infrastructure. He stated in the terms of the said contract, if the money was not used within a specific number of years, it would be refunded. He admitted he did not want to file a lawsuit against the County to get his money back, but he felt he was left with no other choice. He indicated he spent \$70, 000 researching how to have the Specific Plan Area (SPA) dissolved. He expressed his frustrations about the difficulty of getting his money refunded and thought it was unfair that he had to continue to fight to get this issue resolved. He pleaded with the Board to reconsider the issue and help him get his money back. He mentioned criminal charges could be brought forward.

AUGUST 25, 2015

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PAGE 1

Nick Tscheekar and Camille Glanzmann represented the Community Foundation of Western Nevada, a local nonprofit organization, which specialized in charitable giving. Mr. Tscheekar spoke of the Youth Network Initiative and indicated the program was a collaborative effort which addressed the needs of youth who were homeless or aging out of foster care. He said they had been conducting the Youth Network Initiative since 2014 and the project was focused on determining the barriers to services and on bringing all of the service providers together so there was a more comprehensive understanding of what the needs were. The initiative started with two public meetings at which it was determined the main need was not necessarily for more resources, but for the education about how to find available resources. He explained the Eddy House was a walk-in resource center where troubled youth, ages 12 to 21, could receive a variety of services including information regarding how to obtain a General Education Development (GED) certificate and acquire identification. There was also a registered nurse available when needed. Ms. Glanzmann stated that youth might not know where to go to get services, but they were not lacking in technology, such as smart phones, the internet and the use of library computers. She stated their website, www.reyouthnetwork.com, was created to address how and where to locate needed resources. She encouraged the Board to view the website and use the site as a resource for youth that were struggling, homeless or aging out of the foster care program. She noted anyone could contact the Community Foundation of Western Nevada with questions regarding the program.

Jan Lockard spoke regarding her concerns about Ventana Parkway, which was the only roadway access for nearly 400 houses. She noted she was unable to find an Ordinance or County Code regarding the width of bike lanes and said after the road was repaved, the bike lanes increased in size by nearly 40 percent. She commented she did not understand the justification for the increase since there had not been an increase in the number of traffic accidents and it was not supported by County Code, Ordinance or any current statistics. She said there was a recent Home Owners Association (HOA) meeting where the HOA Board members and most attendees were appalled at the width of the bike lanes. She explained that most of Ventana Parkway was straight with a continuous walking path on one side which was maintained by the HOA. She stated the speed limit was 25 miles per hour (mph) for a one-mile stretch, which she thought was too slow. She noted a traffic study was performed in 2006 which indicated the average speed on the road was approximately 30 mph, which closely matched her recommendation. She stated if compliance was the goal, then 30 mph was more reasonable. She also stated the County did not have the resources to patrol the street. Her written comments were placed on file with the Clerk.

Kathrine Snedigar spoke about the expansion of bike lanes, which left less room for trucks with trailers. She noted the people in bike lanes rode the line closest to the cars, which caused large vehicles to change lanes to avoid them. She asked what the bicyclist's responsibilities were and said she believed the bike lanes were dangerous.

Garth Elliott spoke regarding the General Improvement District (GID) issue. He stated he had been on the Sun Valley General Improvement District (SVGID) for five years and looked forward to serving a few more years. He said he was contacted by someone from Incline Village who was very concerned about what had happened with the Incline Village General Improvement District (IVGID). Mr. Elliott emphasized SVGID practices were "squeaky" clean.

He said they scrutinize every penny that was spent and every contract that was formed. He personally went by all construction sites to assess the work.

Sam Dehne spoke regarding the various festivities that happened in Reno yearly. He stated his two favorite festivities were Burning Man and Street Vibrations.

Sharon Spencer spoke in support of Citizen Advisory Boards (CABs), which she thought were the most important and closest entities to the people. She spoke for the IVGID citizens, who felt they had been disenfranchised and were not represented properly. She spoke against the wall art in the Commission Chambers. She said she supported Katherine Snedigar, Garth Elliott and Kim Robinson from the Truckee Meadows Regional Planning Agency (TMRPA).

15-0733 AGENDA ITEM 4 Announcements/Reports.

John Slaughter, County Manager, announced Agenda Item 5G3 was inadvertently carried forward from the August 11, 2015 meeting where it was approved, so the item would be removed from the agenda. He stated there was a request from Chair Berkbigler for Agenda Item 9 to be held at 3:00 p.m. Lastly, he had a request from Chair Berkbigler to read a note sent from Caleb Cage, Chief Emergency Management Homeland Security Advisor for Governor Brian Sandoval. The note stated on August 14th, Aaron Kenneston, Emergency Manager, and his small team, became the second Emergency Management Program in the nation to be 100 percent compliant with the national accreditation program.

Commissioner Herman spoke about the progress the Lemmon Valley Flood Project was making in cooperation with the Children's Cabinet and Social Services. She stated the Community Services Department was clearing the roads and ditches but she still received calls about areas that were missed. She said this was the first year of the new vendor permitting process for Burning Man, but there were concerns about some conflicting information which was given to the vendors. She hoped the new process would go smoothly. She indicated that Cold Springs still did not have wireless service available, but Dish Network said they could install the necessary equipment in one day. She was appointed to the Nevada Association of Counties (NACo) Rural Action Caucus and the NACo Agriculture and Rural Affairs Steering Committee. She added that Governor Sandoval appointed her to the State Land Use Planning Advisory Council.

Commissioner Hartung stated he recently attended the funeral for Officer Carl Howell. He said it was an honor to pay his final respects to such a courageous man. He emphasized the dangers of law enforcement jobs and said they put themselves in harm's way daily. He commented that the Wild West Motorsports Park short course event was a great success and he looked forward to attending the event in the future. He received an email from staff regarding the status of the revised codes for new development and landscaping standards and stated he should have information to bring to the Board soon. He noted he had conversations with the Sheriff's Office regarding signage in designated shooting areas on Peavine Mountain and he was very concerned with the issues there. He thought it was important to the County to look at this area as a multi-use facility and stated the Sheriff had some good ideas about how to

make recreation on the mountain work for everyone with the proper signage. He liked the idea of having the Nevada Department of Wildlife (NDOW) inform people in the area of future events and hunting seasons. He noted hunting and shooting had always been done on Peavine Mountain and said he understood that some people wanted to utilize the area for other types of recreation. He thought there could be a viable solution and all the recreational groups could work together so everyone could equally enjoy the space.

Commissioner Jung referred to an article in the *Reno News and Review* regarding government transparency. She requested staff look into various ways to improve the transparency of the County's information online.

Commissioner Jung requested an update regarding when signs would be posted on Peavine Mountain. She emphasized if the rules were enforced in all recreational areas, it would encourage people to obey them. She requested staff to inform the Board who was responsible for enforcement. She agreed with previous comments that suggested the mountain should be closed to multi-use during the hunting season for safety reasons. Although the County could not mandate how the Nevada Division of Forestry (NDF) or Bureau of Land Management (BLM) enforced the rules, the County could provide information about the places to avoid during certain times of the year.

Commissioner Jung referred to the flooding issues in Lemmon Valley and requested staff to report why the Flood Project was not taking care of the people. She understood the Flood Project had money and was currently working on three projects, but she was not aware of any future projects. She said everyone in the County would be expected to pay a flood tax soon. She requested information regarding the Flood Project's plans to reimburse the County for the flood responses the County had funded over the years. She agreed reimbursement might not be an option, but at least going forward the Flood Project should be held accountable.

Commissioner Jung mentioned she had a very successful Neighborhood Watch meeting in her neighborhood where 15 people attended. The Reno Police Department sent Officer Tim Broadway to facilitate. She said the old northwest in the University District had seen a rise in home burglaries. She noted that Officer Broadway would be leaving for his third deployment soon to Kuwait to deal with the Islamic State (ISIS). She encouraged the other Commissioners to help start Neighborhood Watch programs in their communities.

Commissioner Lucey requested staff to address the Peavine Mountain issue with the Sheriff's Office and the NDOW. He noted that this was always a popular hunting spot, so the need to ensure safety was important. He stated he and Assistant County Manager Kevin Schiller had the opportunity to participate in the National Clean Energy Summit in Las Vegas. They had some very important meetings and met with people who were doing some innovative projects concerning renewable energy. He met the Director of the Nevada Office of Energy, Paul Thomsen, who was located in Carson City, and said he would like to set up a time for Mr. Thomsen to give a presentation to the Board. He indicated there were funds within the State for renewable energy projects for Counties that made energy efficient purchases to promote self-reliance. Another benefit of renewable energy was the improvement of the County's air quality. He stated County Manager John Slaughter, Communications and Engagement Manager Nancy

Leuenhagen and Commissioner Lucey recently attended the Economic Development Authority of Western Nevada (EDAWN) press conference and the event for Angie's Artisan Treats, who was relocating their west coast manufacturing plant to south Reno. As a County, it was import to continue to nurture and help the new businesses flourish in the community. He announced that Judge Egan Walker was appointed to the Board of Directors for the National Council of Juvenile and Family Court Judges, which was a huge honor.

Chair Berkbigler received a letter from Senator Harry Reid that was placed on file with the Clerk, (See Agenda Item 5F5). The letter expressed his gratitude to the Truckee Meadows Water Authority (TMWA) for stepping up with their generous offer to bridge a very difficult problem that would have prevented the final implementation of the Truckee River Operating Agreement (TROA). The sale of water rights to complete the obligations of the City and the County to provide 6,700 acre feet of water rights was the necessary step to finally trigger the dismissal of lawsuits and commence the implementation of the TROA by the end of the year. She mentioned the FireShowsWest Conference and Exposition was scheduled to occur at the Reno-Sparks Convention Center in October. She said Firemen from all over the United States would be present and she encouraged people to attend the event. She requested a Proclamation declaring September as Hunger Action Month on behalf of the Food Bank of Northern Nevada to be added to an agenda in September. She stated that she and Assistant County Manager Joey Orduna Hastings had the honor of recently attending the Lake Tahoe Summit, which was held on the Nevada side of South Lake Tahoe. Senator Dean Heller hosted the Summit and Senator Dianne Feinstein, along with numerous Congressmen from northern California and Nevada, was in attendance. She stated there was good information about what was going on to save Lake Tahoe and to clear up the water. She added there were two pieces of legislation before Congress which would bring in more money to protect the Lake.

After some discussion, the Board decided to pull Agenda Item 15 from the agenda. The Board directed staff to immediately notify Scenic Nevada of the change, to post a notice of the change on the Chamber doors and to the main page of the County website. Chair Berkbigler stated the reason the item was pulled was due to Commissioner Hartung's inability to participate in the public hearing. Since Commissioner Hartung's District would be directly affected by the Ordinance, the Board thought he needed to be present.

Legal Counsel Paul Lipparelli stated the Chair could order the removal of an item at her discretion.

Chair Berkbigler requested Agenda Item 15 be removed from the agenda and rescheduled to the first meeting in September to provide Commissioner Hartung the ability to be present.

CONSENT ITEMS (5A through 5G3)

- 15-0734** **5A** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2013/2014 and 2014/2015 secured tax roll and authorize Chairman to execute the changes described in Exhibit A and direct the

Washoe County Treasurer to correct the error(s). [cumulative amount of decrease \$1,591.94]. Assessor. (Parcels are in various Commission Districts.)

- 15-0735** **5B** Authorize the creation of two (2) Pre-Trial Services Officer I/II positions [Job class #60001160] for the Specialty Court Division of the Second Judicial District Court at an [estimated total annual cost of \$151,689.62,] including benefits; and direct the Comptroller's Office to make the appropriate budget adjustments. The funds identified to support these positions will come from repurposed professional service funds from the Administrative Office of the Courts and fees collected from Adult Drug Court in Internal Order 20215. District Court. (All Commission Districts.)
- 15-0736** **5C** Approve the Collective Bargaining Agreements with the Washoe County District Attorney Investigator's Association (WCDAIA) for the Non-Supervisory and Supervisory bargaining units for the period July 1, 2015 through June 30, 2016; ratify same: a 3% Cost of Living Adjustment in base wage effective July 1, 2015; increase from 5% to 10% the differential to base hourly rate of pay in half-day increments for days employees are assigned to conduct training; and approve same for the Chief Investigator (DA). FY 15/16 fiscal impact is estimated at [\$43,006.] Human Resources. (All Commission Districts.)
- 15-0737** **5D** Approve acceptance of 2015 State of Nevada, Department of Public Safety, Office of Traffic Safety project funding [\$4,977, 20% in-kind match required, \$995.40] to be used to purchase 14 Preliminary Breath Test devices (PBTs) for the retroactive grant period of 8/11/2015 through 9/30/15, and direct Comptroller's Office to make the necessary budget adjustments. Sheriff. (All Commission Districts.)
- 15-0738** **5E** Acknowledge Receipt of the Report of Sale- July 23, 2015 Delinquent Special Assessment Sale-Sale Cancelled as All Delinquencies paid. Treasurer. (Commission District 5.)
- 15-0739** **5F1** Approve a Water Rights Deed transferring 26.826 acre-feet of Thomas Creek water rights from Washoe County to South Reno Land Investors, LLC, A Nevada Limited Liability Company. (Commission District 2.)
- 15-0740** **5F2** Adopt a Resolution Accepting Real Property for Use as a Public Street (A portion of 2nd Parcel Map for Spanish Springs Associates Limited Partnership and Mystic Mountain, LLC, Parcel Map No. 5124, Ingenuity Avenue), APN 538-010-06 (totaling 57,062 square feet), for use as a public street right-of-way; and if approved, direct the Clerk's Office to record the Resolution. (Commission District 4.)
- 15-0741** **5F3** Approve Change Orders 1, 2 and 3 for the Central Incline Village Phase II Water Quality Improvement Project [\$101,570.36], funded by Nevada Tahoe

Bond Act and U.S. Forest Service Southern Nevada Public Lands Management Act, Washoe County. (Commission District 1.)

15-0742 **5F4** Approve the SR 28 Corridor Operations and Maintenance Interlocal Agreement between Washoe County, Tahoe Transportation District, Nevada Department of Transportation, Nevada Division of State Parks, Nevada Division of State Lands, Nevada Department of Public Safety-Highway Patrol, Incline Village General Improvement District, Carson City Parks & Recreation Department, Douglas County Parks & Recreation Department and Tahoe Regional Planning Agency, retroactive to August 1, 2015. (Commission District 1.)

15-0743 **5F5** Approve the Agreement Regarding Satisfaction of the Obligation of the City of Reno, City of Sparks and Washoe County pursuant to Section 1.E.4 of the Truckee River Operating Agreement (TROA) to provide 6,700 acre-feet of water rights, between Washoe County, the City of Reno, the City of Sparks, and the Pyramid Lake Paiute Tribe. (All Commission Districts.)

Chair Berkbigler read a letter from Senator Harry Reid, which was placed on file with the Clerk.

15-0744 **5G1** Approve (retroactive to July 1, 2015) Grant Program Contract FY 2015-2016 for Silver State Fair Housing Council (SSFHC) in the amount of [\$10,000;] approve Resolution necessary for same, and direct Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)

15-0745 **5G2** Acknowledge Receipt of the Washoe County District Attorney's Office Audit Report from the Internal Audit Division. (All Commission Districts.)

There was no public comment on the Consent Agenda Items listed above.

On motion by Commissioner Lucey, seconded by Commissioner Herman, which motion duly carried, it was ordered that the Consent Agenda Items 5A through 5G3 be approved with the exception of 5G3, which was pulled. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5G2 are attached hereto and made a part of the minutes thereof.

11:07 a.m. Commissioner Hartung left.

BLOCK VOTE (AGENDA ITEMS 7, 8, 10, 11 AND 12)

15-0746 **AGENDA ITEM 7** Recommendation to approve the purchase of three (3) Williamsen-Godwin dump truck bodies equipped with hydraulics and tarping systems; three (3) Henke HXC-2000 V-Box spreaders; and three (3) Henke reversible snow plows from Enoven Truck Body & Equipment, 2904 Duluth St., West Sacramento, CA [in the amount of \$310,452] utilizing State of Nevada Bid

No. 8351 pursuant to the joinder provision of NRS 332.195. Community Services. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 7 be approved.

15-0747 **AGENDA ITEM 8** Recommendation to approve the independent contract agreement for services between Quest Counseling and Consulting and Washoe County through the Second Judicial District Court and the Department of Juvenile Services with a retroactive contract term of July 1, 2015 through June 30, 2018 and an [estimated total value of \$275,000] and, if approved, authorize Purchasing and Contracts Administrator to sign. Juvenile Services. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 8 be approved and authorized.

15-0748 **AGENDA ITEM 10** Recommendation to approve sole source purchase, retrofit and installation of ninety-one (91) 24VDC motor operated electric high security detention door locks from Southern Folger Detention Equipment Company, 4634 S. Presa Street, San Antonio TX, utilizing GSA Schedule 084 pricing per quote #GSA2015-070 in the amount of [\$294,124.04.] Sheriff. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 10 be approved.

15-0749 **AGENDA ITEM 11** Recommendation to approve Community Development Block Grant from the Nevada Governor's Office of Economic Development in the amount of [\$152,454 (match \$110,041 cash and in-kind)] Rural Senior Ambassador Program, grant period retroactive from July 1, 2015 through December 31, 2016 and if accepted, authorize Chairman to execute grant documents; authorize the creation of 1.0 FTE fully benefited Volunteer Coordinator pending affirmation by the Job Evaluation Committee (JEC) at the August 26, 2015 meeting; and direct the Comptroller's Office to make the appropriate budget adjustments. Senior Services. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 11 be approved, authorized and directed.

15-0750 **AGENDA ITEM 12** Discussion and possible approval of a resolution proposing to consolidate Truckee Meadows Fire Protection District with Sierra Fire

Protection District and to hold a hearing to determine whether consolidation is feasible and in the best interests of the County and Districts. Truckee Meadows Fire. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 12 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

11:17 a.m. Commissioner Hartung returned.

15-0751 **AGENDA ITEM 6** Department presentation by Washoe County Sheriff, Chuck Allen. Including the Sheriff's Office mission, organizational structure, accomplishments and goals. Sheriff. (All Commission Districts.)

Sheriff Chuck Allen reviewed a PowerPoint presentation about the Sheriff's Office. He shared the Mission Statement and the Mantra, which was "Commitment to Community". He explained the structure of the Sheriff's Office, which included the Detention Bureau, the Administration Bureau, the Operations Bureau and the Forensic Science Division. He noted there were 423 commissioned employees, 291 civilian employees and more than 1,000 trained volunteers who assisted in many different safety practices. He noted he had a Detective Volunteer who primarily worked on "cold cases" and had put in 1,600 volunteer hours in the past year. There were currently nine members of the Sheriff's Office Volunteer Reserve Program and with active recruitment he hoped to see that number grow to at least 60 members by the end of his first term as Sheriff. Community engagement was an area that made him very proud to serve as Sheriff because he saw all the great work that was done in the community throughout the year. He pointed out a photo of the Sheriff's Office Regional Aviation Unit (RAVEN) helicopter, which showcased the ability to assist the Bureau of Land Management (BLM) and US Forest Service with fire threats in the area. The Sheriff's Office was very active in working with the Salvation Army to provide children with school supplies and backpacks. He was very proud that he and his staff had been able to continue to participate in many community engagement events. He acknowledged John Spencer, Undersheriff, whose primary responsibilities included overseeing the daily operations of the three bureaus and the crime division. One of the biggest priorities they focused on was the dispatch center, because it was where the community called for help. He confirmed that it was important to him to provide the highest level of service, so he was meeting with the County Manager's staff and the City of Reno to find viable solutions to create a better communications center. Sheriff Allen spoke of the three bureaus noting the Detention Bureau, led by Chief Deputy Anthony Miranda, was the largest with more than 20,000 bookings in the 2014-2015 fiscal year. The Operations Bureau, led by Chief Deputy Sherman Boxx, was the next largest bureau with more than 1,100 pounds of drugs seized and 64,000 calls for service. The Administration Bureau, led by Chief Deputy Pedersen, processed more than 10,000 civil issues and issued more than 5,000 Concealed Carry Weapon (CCW) permits. He was proud to announce there would be an academy graduation in December. The Forensic Science Division, led by Director Kerri Heward, processed 6,500 pieces of evidence and completed 640 DNA investigations last year. Facility maintenance continued to be a challenge for the Sheriff's Office. Parking lot safety was an issue and they were trying to keep it well lit for the employees while they made their way to and from work. He stated there were also

maintenance issues that were put off because of budgetary constraints, but were now a priority and would be addressed. He stated some of the future concerns included the replacement of radios to keep up with technology, a larger hanger for the RAVEN helicopter, a larger infirmary at the jail, and vehicle replacement. He said the Regional Public Safety Training Center (RPSTC) was a responsibility of the Sheriff's Office. For the past several years it had been run without a director, which resulted in salary savings. Moving forward, he wanted other entities to come to the facility to conduct law enforcement or fire related classes to help generate some income. In closing, he stated he was very humbled, honored, excited, privileged and proud to be serving as Sheriff. He said each and every person contributed to the betterment of the community and he thanked all of the Sheriff's Office employees.

Commissioner Jung acknowledged he was doing remarkably well coming in his important role as an elected official.

Commissioner Hartung commended Sheriff Allen and the staff for being accommodating and for the timeliness of responses to issues. He was so impressed that the response time was not a matter of hours, but a matter of minutes. He said he spoke with Undersheriff Spencer about issues that needed to be addressed right away. He thanked Sheriff Allen for how much the Sheriff's Office did with minimal staff.

Sheriff Allen stated he was listening to the comments and concerns and they could not be fixed overnight. He and his staff would be meeting to work on the Peavine Mountain issues to create the highest level of security and safety for everyone.

Commissioner Lucey said he thought Sheriff Allen and his Office exemplified all the areas of the Board's Strategic Plan. He shared that the Sheriff and his staff were always responsive to any issues he had and work as a unified team. He thanked the Sheriff for all the hard work. He said he had the opportunity to interacted with some California Highway Patrol Mounted Police who shared they loved to work with the Washoe County Sheriff's Office. He thought a compliment like that was truly a sign of the quality of service that was put forth every day.

There was no public comment or action taken on this item.

15-0752 **AGENDA ITEM 13** Recommendation to approve initiating proceedings to amend the Washoe County Code (Chapter 60 – Fire Code) to adopt a new Section 5601.1.6 within the International Fire Code Chapter 56: Explosives, of Washoe County Code Chapter 60, containing provisions that amend the 2012 Edition of the International Fire Code, effective July 1, 2015; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040. Truckee Meadows Fire. (All Commission Districts.)

Truckee Meadow Fire Protection District (TMFPD) Fire Marshall Amy Ray stated in 2013, the Board chose to not approve the amendment of the Fire Code banning exploding targets within the County. She stated recently they were asked to bring back the issue

of the exploding targets for review and to establish safety regulations. She said this agenda item was to request permission from the Board to propose new ordinance language for the exploding target issue.

Commissioner Herman said several constituents called her with their concerns about prohibiting the exploding targets. She said they felt like another right was being taken away from them.

Fire Marshall Ray stated they considered allowing residents who owned private property, or owners of licensed shooting ranges, to apply for permits through the TMFPD. She said they were looking for language which would allow the targets, but would add some restrictions and regulations to comply with the Fire Code.

When asked how dangerous the exploding targets really were, Fire Marshall Ray explained the binary targets were sold in two pieces; they were not regulated because they were sold separately, but once the two pieces were mixed together they were considered an explosive by the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco and Firearms (ATF). There had been documented fires started and injuries by the exploding targets. She confirmed they could be dangerous. She noted the manufacturing, sale and use of the exploding targets had been banned in Reno, Sparks, Carson City and Lyon County, but to date they were still allowed in the County. She said once the proposed language was ready, there would be a public hearing so people could come forward with their concerns and suggestions.

Commissioner Lucey said, in the County and surrounding area, fireworks had been illegal as long as he could remember. He said whether something was lit with a lighter or something shot with a gun or rifle, it was considered an explosive and could start fires. He stated there needed to be some fiscal responsibility, because if an explosive started a forest fire it would cause economic harm to the County. He thought they needed to be consistent with the law regarding fireworks and not allow the exploding targets.

On the call for public comment, Mitch Gerlinger stated binary exploding targets were not volatile. He said they were reactive and it took a high velocity rifle round to set them off. He claimed they could be shot with a pistol or shotgun and would not explode. He explained when they exploded, the flash of white was not smoke, it was carbon dioxide and water. He said it was nearly impossible to set something on fire with the binary targets, but rifle rounds were very capable of setting fires. He stated he went with the bomb squad to an explosives range where they set off about 20 explosions. He stated they only had to put out one fire that day and that was when they exploded two blocks of C4 with hundred gallon propane tanks on top of them. He thought people needed to use common sense when doing any type of shooting. He mentioned he did not know where the information came from about the ban on the sale and use of the binary targets in Sparks because he called Scheels and found they had the Tannerite binary targets for sale.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 13 be approved and directed.

15-0753

AGENDA ITEM 14 Public Hearing and possible action 1) To consider an application by Southwest Gas Corporation for a non-exclusive franchise agreement to provide natural and other gas service to portions of Washoe County, including any objections on the matter; 2) If determined to be in the best interests of the residents of Washoe County, to approve a Franchise Agreement between Southwest Gas Corporation and the County of Washoe, retroactive to May 1, 2015, effective through April 30, 2040, fixing the terms and prescribing the conditions pursuant to which the franchise is to be granted, the character or kinds of service to be rendered, the maximum rates to be charged for the service, and such other matters as may be properly connected therewith; 3) If the Franchise Agreement is approved, to adopt a Resolution Authorizing and Approving the Issuance of a Non-Exclusive Franchise to Southwest Gas Corporation to Supply Natural Gas to Portions of Washoe County, Nevada; and 4) If the Franchise Agreement is approved, to approve an associated Agreement to Pay Annually to Washoe County 2% of the franchisee's Net Profits under the franchise for the Benefit of the County School District Fund of Washoe County, State of Nevada. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

No was public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried, it was ordered to approve Agenda Item 14. The Resolution for same is attached hereto and made a part of the minutes thereof.

15-0754

AGENDA ITEM 16 Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

11:46 a.m. On motion by Commissioner Lucey, seconded by Commissioner Herman, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

3:00 p.m.

The Board reconvened with Commissioner Hartung absent.

15-0755

AGENDA ITEM 9 Discussion and possible direction to staff on powers and duties of general improvement districts in Washoe County possibly including discussion of formation, operation, governance, compliance with laws, merger and dissolution of general improvement districts. Manager. (All Commission Districts.)

Legal Counsel Paul Lipparelli explained the Board packet included a memorandum that outlined some of the laws and history in Nevada that pertained to General Improvement Districts (GIDs). As stated in the memorandum, there were two different structures

a GID could choose from at the time it was established. He explained the first structure was to be governed by the Board of County Commissioners and the other structure was for the Board to appoint Trustees to a GID, which was the structure that the majority of GIDs in the County used. He stated the GIDs had the same laws to uphold as any other government entity. GIDs were required to report to the Debt Management Commission to ensure they did not incur debt they could not manage with their revenue. He said, despite several efforts made over the years, the independence of GIDs from County Governments had remained in place and County Boards of Commissioners had limited ability to control what the GIDs did. He explained the one exception was a law that was passed in the mid 60's called the Special District Law, that required GIDs formed after that date to have what was called service plans. He noted they were similar to a master plan and described what the GID was formed to do, what capital improvement projects it would do, how it would operate, how it would meet operational needs and how it would manage its finances. He stated the Board was given the authority to ensure that the service plans were being followed. Not all GIDs in the County had a service plan. Absent that ability to oversee the following of a service plan, the Board was limited to making sure the Debt Management Commission rules were followed and that the financial performance of GIDs were sound. He indicated there was one last exception though, under the provision of Nevada Revised Statute (NRS), Chapter 318, which was the GID law, if the Board was presented with a petition by a significant number of residents or property owners within the GID boundary which indicated the GID was not being properly managed, or if the Board received such a notice from the Department of Taxation, then it would be required to have a hearing about the alleged problems or issues of mismanagement. He said they had four options: adopt an Ordinance that would set itself up as the Board of Trustees of the District; it could adopt an Ordinance providing for the merger, consolidation or dissolution of the District; it could file a petition in the District Court in which the District was located for the appointment of a receiver to manage the District; or it could determine by Resolution that the management and organization was going to remain unchanged. He stated the responsibility of the Board would be triggered by 20 percent of the qualified electors of the District or upon receiving of notice by the Department of Taxation. He said once a GID was properly formed and in operation the Board had the very limited role of overseeing or controlling the business affairs of the GID. He stated the GIDs were required to submit budgets to the State Department of Taxation and to hold public hearings for the consideration of the budget. He indicated the employees and officials of the District were authorized to spend the money only in the way in which the budget contemplated, there were statutes in place to prevent more spending than was appropriated. He noted each of the GIDs were subject to audits.

Chair Berkgigler asked how the GIDs increased fees to cover items that were needed. Mr. Lipparelli stated the GIDs had the power to impose rates, tolls, charges and fees. Public hearings had to be held to impose any changes which would provide the public the opportunity to participate in decisions.

Chair Berkgigler asked if a GID held a hearing for a new trash contract, could they use the funds for anything else in their District. Mr. Lipparelli stated he was not sure. He admitted some areas were above his expertise and stated there were a number of regulations and protocols regarding the accounting of the public entities. He stated he would research the issue and bring more information back to the Board regarding this question.

Chair Berkbigler questioned whether a GID that wanted to provide additional services, such as wireless service, would have the authority to do it and, if so, who would approve the transaction. Mr. Lipparelli stated any service a GID provided had to be approved. Initially, when a GID was formed it was usually formed through an Ordinance that granted certain powers to the GID. Recently, the Sun Valley General Improvement District (SVGID) was authorized to provide recreational services, so it asked and was given that authority by the County through an Ordinance. An amendment to the initial Ordinance was the action that was needed to make changes to the services GIDs provided.

Commissioner Lucey asked Mr. Lipparelli at what point could a GID decide it was not necessary to provide the services in an area and how could a GID be dissolved. Mr. Lipparelli said the people who lived in a GID could initiate a petition for a merger or dissolution, but the decision would be made by the Board of Trustees of the GID. A County could initiate a merger or dissolution, but it could not be done over the objection of the majority of the people in the District or the Board of Trustees. In the case of the South Truckee Meadows General Improvement District (STMGID), the dissolution was part of an overall merger with the Truckee Meadows Water Authority (TMWA). The Board of Trustees of the GID adopted a Resolution, which agreed to the dissolution of the GID, so there were no objections.

The following individuals spoke regarding issues and complaints about the Incline Village General Improvement District (IVGID): Steven Kroll, Jan Ellis, Frank Wright, Limark Newman, Dick Warren, Judith Miller, Linda Newman, Gayle Holderer, Arnold Landau, Thomas Whalen, Bea Epstein, Mary McKenna, Michael Abel, Margaret Martini, Mark Alexander, Lyn Karol, Russ Berry and Aaron Katz. The biggest concerns expressed included recreation fees, the lack of access to beaches that were supposed to be private beaches for home owners, the lack of internal controls, large consultant fees paid but no information regarding what they were consulting about, alleged corruption, a distorted accounting system, unapproved debt incurred and the residents who were still paying on bonds that were paid off. The residents were unhappy and concerned about the practices of the IVGID. They wanted action to be taken to solve the mentioned problems. Several of the individuals provided written statements that were placed on file with the Clerk.

The following individuals spoke regarding the outstanding job the IVGID had been doing: Pete Todoroff, Donald Epstein, Tim Callicrate and Tom Bruno. These individuals stated there was a smear campaign going on that was unfounded and they encouraged local residents to seek further information regarding the IVGID to become better educated about what they offered to the community. The individuals indicated the finances of the IVGID were in great shape and had adequate reserves. In reference to the beach access, one individual noted he was given a packet showing what he did and did not own when he purchased the property and he thought any person making a property purchase was given the same packet. They stated the information given to residents was clear and concise about ownership benefits. It was stated that the General Manager had only been there one year and was doing a wonderful job. They admitted the Trustees had made some mistakes in the past. Mr. Todoroff submitted a handout that was placed on file with the Clerk.

Katherine Snedigar stated she had a problem with the Palomino Valley General Improvement District (PVGID), because the only thing they did was road maintenance and they did a very bad job of it. She said the roads in Warm Springs had ditches 12 inches deep with no shoulders. She claimed the PVGID did not adhere to standard accounting practices and she wanted to know how they got away with that.

Sharon Spencer stated she was present because she sympathized with the people who complained about IVGID. She said she understood how horrible it would be to be taxed without representation, to lose a franchise and to feel as if the middle class was footing the bill for the enjoyment of the affluent class. She remarked she could counter each of the points made by legal counsel by searching the internet on her phone and she emphasized to Mr. Lipparelli that she was well-versed about Nevada laws. She noted the PVGID minutes were inaccurate and did not reflect the truth. She stated she had the same problem in the Citizen Advisory Board (CAB). She noted that it was not this Board that set up the GIDs but she thought the responsibility rested on the current Board to fix the problems.

Chair Berkbigler thanked everyone for coming out and stated perhaps there was nothing that could be done immediately, but she ensured citizens there would be further discussions regarding the issues brought forward.

Chair Berkbigler close the public hearing.

15-0756 **AGENDA ITEM 18** Public Comment

Assemblyman Randy Kirner talked about the medical marijuana facilities. He said five out of the six of the medical marijuana facilities allowed per County were located in his District and he wanted to encourage the Board to develop codes for proximity. He noted there were no facilities in Spanish Springs. He said he worked with the owner of the Mount Rose establishment to get it moved but they wanted to move it to "The 'Lodge" building on Mount Rose Highway and he did not know if that was a safe place. He said these issues needed to be addressed.

Katherine Snedigar wondered where the authority came from for the County to write a development code and impose it upon her and her property. She said they did not have the authority to come on to her property and tell her anything. She also noted that she would appreciate staff using the proper language about Warm Springs, because it was not a residential neighborhood, but considered as non-producing agriculture properties. She voiced her frustration that she paid for fire services but did not have a 7 to 8 minute response time.

Aaron Katz stated there were two things he did not get to say earlier. He said part of the materials he provided, which were placed on file with the Clerk, were copies of Ordinances that the Board passed which gave IVGID their power. Included was also a transcript of the proceedings in 1965 when the Board gave IVGID the power of recreation. He referred to one of the Ordinances provided, Bill Number 227, wherein IVGID received the power to provide electricity with a condition that stated if they were going to provide facilities they needed to transfer them to another organization that was subject to Public Utilities Commission's

oversight. He said IVGID refused to do this. He referred to another document provided, which was a recreation testimony from IVGID, that stated if the power was granted they would not use it like they were currently. They were only going to manage public parks and beaches, and everything else, including the golf courses, recreational centers and Diamond Peak, would all be privately owned, operated and financed. He thought they lied to the Board. He indicated the Board needed to take the things that IVGID lied about away from them otherwise they would continue to lie to get what they wanted.

Margaret Martini wanted to explain ownership in the IVGID area. She stated the property owners did not own the facilities, except perhaps the beaches and yet the properties were being held hostage for the payment of the bonds. The bonds were not issued against IVGID, they were issued against the properties. She indicated if IVGID were to go bankrupt, the property owners would be held personally liable for the bonds. She encouraged the Board to review the issue. She stated IVGID was operating above the law.

15-0757 **AGENDA ITEM 19** Commissioners/Manager's announcements

Chair Berkbigler reminded people that item number 15 which was set for 6 p.m. was cancelled and would be rescheduled to the first meeting in September.

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4:52 p.m. There being no further business to discuss, on motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried, the meeting was adjourned.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

Minutes Prepared by:
Doni Gassaway, Deputy County Clerk

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

SEPTEMBER 8, 2015

PRESENT:

Marsha Berkbigler, Chair
Kitty Jung, Vice Chair
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

ABSENT:

Bob Lucey, Commissioner

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

15-0760 AGENDA ITEM 3 Public Comment.

The following individuals spoke in opposition to the placement of a medical marijuana establishment (MME) on the Mount Rose Highway: Gregory Juhl, Brett Nelson, Derrick Glum, Susan McBride, Doug Melson, Jack Kellerstrass, Jan Gilbert, Tracy Pickett, Steve Pelzer, Vincent Keenan, Bari Caine, Elizabeth Liddiard, Michael Liddiard, Douglas Skeen, Amber Welton, Amy Kreitlein, Amber Hughes, Gary Bradley, Brooke Wilde, Arleen Richartz, Dorothy Miles, and Larry Meidell.

The above individuals' concerns included: The possible location of an MME at The Lodge at Galena, the ease of access to marijuana, the negative impact on property values, the increased traffic level on the Mount Rose Highway, traffic safety, MMEs were an all cash business which invited crime, an increase in fire danger, an increase in impaired driving, impacts to community safety, the public not being consulted on the MME sites, the lack of impact studies and outreach, the need for proper assessment of MME locations, MMEs located in neighborhoods and near children, the MME's effects on the Mount Rose Scenic Byway, the potential for medical marijuana to result in recreational use, and the potential for marijuana tourism.

The above individuals' requests included: An emergency action by the Board to stop the opening of the MME, a traffic study, for the MME to be located in a commercial district away from the forest, and medical marijuana and MME impact studies.

Ray Lake stated he was a member of the North Valleys Citizen Advisory Board (CAB). He said the North Valleys CAB had 10 meetings in their two years of existence and according to the current CAB rules they would be limited to two meetings a year. He questioned if the North Valleys CAB would have heard about the new NV Energy power line, plans for the Stead Airport, safety issues related to Lemmon Drive or other projects affecting the North Valleys under the new CAB rules. He believed the North Valleys CAB would not last through the year under the new rules.

Bev Dummitt said she was a resident of Verdi and a senior citizen. She noted the Verdi Community Library was an important part of the community and she added the County wanted to reduce the library's hours of operation from 10 hours per week to four hours per week. She stated if the County supported the library it would also be supporting the seniors who utilized it. She said a volunteer organization was created to help fund the library. She noted hundreds of homes were being built nearby and those residents would need access to a library. She asked the County not to reduce the library's operating hours.

Tim Stoffel spoke of a proposal by Animal Services to regulate animals in the County. The proposal would regulate ownership of exotic animals above and beyond what was in place. He added the proposal might ban the breeding of all exotic animals. He said he was unaware why people who worked with exotic animals had to continue to fight for their rights to keep their animals. He mentioned the safety aspect of owning exotic animals was not as big of an issue as it was made out to be by animal rights groups. He stated populations of animals in Africa were dying out due to human encroachment and some animals might go extinct if they were not bred in captivity. He noted the current regulations were working fine and there was no need for further regulations. He asked the Board not to consider the proposal by Animal Services.

Cathy Brandhorst spoke of matters of concern to herself.

Katerine Snedigar referred to a handbook titled Washoe County Issue Management System and provided a handout to the Board, which was placed on file with the Clerk. She said the handbook referred to Palomino Valley as a residential subdivision that began in the 1970's, which she stated was a lie. She noted that 40-acre parcels did not fall into the County's Development Code definition of a subdivision. She indicated Nevada Revised Statute (NRS) 278 clearly stated a property used for residential purposes was 5 acres or less so the County could not impose the Development Code on Palomino Valley residents. She believed the Development Codes were meant to increase revenue and had nothing to do with the health, safety and welfare of the residents.

Sam Dehne spoke of Burning Man and he stated the MME did not belong in the Galena neighborhood.

Carly Borchard said she and other residents of Verdi formed the Verdi Community Council, a non-profit organization, to bring information to their community. She stated one of their goals was to help keep the Verdi Community Library open. She mentioned she worked with Al Rogers, County Director of Management Services, to determine the library's

budget in efforts to maintain and possibly extend its hours of operation. She noted the library was extremely important to the Verdi community.

15-0761 **AGENDA ITEM 4** Commissioners' Manager's announcements.

Chair Berkbigler responded to a question asked during public comment as to whose idea it was to allow medical marijuana establishments (MMEs) in Nevada by stating it was Nevada State Senator Richard "Tick" Segerblom. She addressed the individuals who publicly commented on the MMEs by stating the Board had just as many concerns about the safety and security of the citizens. She asked for their patience as the County worked through the issues associated with the MMEs. She noted the State Legislature thrust the MMEs on the County and it was not something the County Commission chose to do. In regards to the Verdi Community Library, she announced the hours of operation would not be cut and the County would work to expand the hours.

John Slaughter, County Manager, stated Agenda Item 14 would be removed from the agenda. He said he received a letter from Clara Andriola, Executive Director of the Reno Rodeo, which he read aloud. The letter expressed the appreciation and recognition of County staff who supported foster families and children throughout the County. The letter specifically named Kristy Baker, Supervisor of the Foster Care Support Unit, and Victoria Bowers, Foster Care Liaison, for their dedication to the Foster Care program. A copy of the letter was placed on file with the Clerk.

Commissioner Jung stated she thought the County's frequently asked questions (FAQs) regarding MMEs should include the following questions: 1) Should voters have the opportunity to approve the recreational use of marijuana? 2) Would the approval of the recreational use of marijuana automatically grant existing MMEs to become recreational marijuana establishments? She believed the mass hysteria regarding MMEs was based on misinformation about what an MME looked like and how it operated. She noted MMEs were pharmacies with more requirements and safety measures than regular pharmacies. She said encouraging the owner of an MME to switch locations would be a bad idea as the County would be telling a private property owner what he or she could and could not do with their land. She mentioned a conversation she had with a citizen, regarding the MME, where she informed the person that requiring a Special Use Permit for that type of property would not be a good idea because the permit would stay with the property no matter who came in to run the establishment. In regards to traffic, she noted she would be more concerned with a bar or restaurant in terms of entering and exiting the facility. She admitted the County needed to do a better job reaching out to and educating the County's residents about MMEs. She added she thought it would be a good idea to take residents on tours of MMEs so they could get a better understanding of what they were and how they operated. She asked staff to schedule meetings, as soon as possible, with the Legal Department and the appropriate County departments regarding community outreach in order to end the MME hysteria. She noted Commissioner Lucey should be involved since the MME complaints were in his district. She concluded by stating if Commissioner Lucey did not believe this was the right approach, she wanted the County to implement a countywide policy on how controversial issues would be handled.

Commissioner Hartung stated he toured Burning Man. He thought it was very interesting and he did not want to see it go away; however, he had some concerns. He spoke about the negative effects of Burning Man on the area between Gerlach and Wadsworth, which included traffic issues and trash deposited along Nevada State Route 447. He said he would like to have a discussion with the Nevada Department of Transportation in regards to Stampmill Drive in Wadsworth as residents had difficulty accessing the street during certain times. He also noted he would like a report from staff in Gerlach about the trash left over from Burning Man. He mentioned he attended the International Association of Fire Fighters (IAFF) meeting in Washington, DC where he saw the LUCAS Chest Compression System. He requested that the Commission have a conversation at the next Board meeting about the ability for him to spend a portion of his discretionary funds on the compression system, which was around \$13,000 per unit. He stated the system would take the place of a person by providing consistent and efficient compressions on a person's chest. He believed the system could save lives and he wanted one installed at Fire Station 17 in Spanish Springs. He felt the fire station in Sun Valley would also benefit from having one and he wanted to discuss the possibility of installing the system on the fire apparatuses.

Commissioner Herman thanked Chair Berkbigler for her help with the Verdi Community Library. She thanked Bob and Peter Lissner of Lifestyle Homes for their donation of a television and their assistance with completing the wireless internet installation for the Senior Center in Cold Springs. She requested staff to add an agenda item, as soon as possible, to discuss changes to the Citizen Advisory Board's (CAB) rules and regulations. She mentioned she spoke with people who were bothered by the word "force" in the wall art located in the Commission Chambers.

Chair Berkbigler noted Commissioner Lucey was in Washington, DC on business for the Regional Transportation Commission (RTC).

CONSENT ITEMS 5A THROUGH 5F3

15-0762 **5A** Approve minutes of the regular Washoe County Board of Commissioners meetings of August 11, 2015 and August 18, 2015.

15-0763 **5B** Approve a request to increase the change fund from \$50 to \$150 for the Registrar of Voters; and, if approved, authorize Chairman to execute Resolution for same. Treasurer. (All Commission Districts.)

15-0764 **5C1** Approve the appointment of Doug Doolittle to the Washoe County Open Space and Regional Parks Commission representing Commission District 2 to fill a term beginning on September 8, 2015, and ending on June 30, 2019, or until such time as a successor is appointed. (Commission District 2.)

15-0765 **5C2** Approve the appointment of Austin Olson to the Washoe County Open Space and Regional Parks Commission representing Commission District 5 to fill a term beginning on September 8, 2015, and ending on June 30, 2019, or until such time as a successor is appointed. (Commission District 5.)

- 15-0766** **5D1** Approve payments totaling [\$5,636] to vendors for assistance of 39 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim's spouses and other eligible persons. (All Commission Districts.)
- 15-0767** **5D2** Accept a Victim of Crime Act (VOCA) grant to the District Attorney's Office in the amount of [\$20,000; \$5,000 required match], from the State Division of Child and Family Services (DCFS) to provide travel and training funds for those who serve victims, including but not limited to Victim Advocates, Investigators, Prosecutors, and the medical staff at the Washoe County Child Advocacy Center; retroactive from July 1, 2015 through June 30, 2016 and direct Comptroller to make the necessary budget adjustments. (All Commission Districts.)
- 15-0768** **5E1** Accept a supplemental grant award from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Nutrition Services Incentive Program [\$71,567 no match required] retroactive from October 1, 2014 through September 30, 2015; and direct Comptroller to make the appropriate budget adjustments. (All Commission Districts.)
- 15-0769** **5E2** Accept a grant award from the Senior Support Fund at the Community Foundation of Western Nevada for Senior Caregiver Education in Sparks [\$1,000; no match required]; and direct Comptroller to make the appropriate budget adjustments. (All Commission Districts.)
- 15-0770** **5E3** Approve retroactively an Agreement in Support of Pro-Bono and Low-Cost Legal Services for Elderly between Washoe County and Washoe Legal Services in the approximate annual amount not to exceed [\$65,000] funded by applicable court filing fees for both fiscal year 2016 and fiscal year 2017, ending on June 30, 2017 in support of pro-bono and low-cost consumer related legal services for the elderly, and approve necessary resolution for same. (All Commission Districts.)
- 15-0771** **5F1** Accept a Continuum of Care Grant Agreement Renewal from the United States Department of Housing and Urban Development (HUD) for the Permanent Supportive Housing Program in the amount of \$32,345 (\$2,390 County match required) retroactive to August 1, 2015 through July 31, 2016; and direct Comptroller to make the appropriate budget adjustments. (All Commission Districts.)
- 15-0772** **5F2** Accept a Sub-grant Award from the State of Nevada Division of Child and Family Services in the amount of [\$4,000; no County match required] to support staff attendance at the Indian Child Welfare Act (ICWA) Conference retroactive to July 1, 2015 through December 31, 2015; authorize the Department to execute

the Sub-Grant Award and direct Comptroller to make the necessary budget adjustments. (All Commission Districts.)

- 15-0773** 5F3 Approve a professional services agreement with Sierra Association of Foster Families in the amount of [\$108,600] to provide tutoring, mentoring and case management for educational advocacy services for teens in foster care in Washoe County retroactive to September 1, 2015 through July 31, 2016. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Lucey absent, it was ordered that the Consent Agenda Items 5A through 5F3 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5F3 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – AGENDA ITEMS 8, 9, 10, 11, 12 AND 13

- 15-0774** AGENDA ITEM 8 Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the County Route 447 Road Repair Project [staff recommends Sierra Nevada Construction in the amount of \$551,007]. Community Services. (Commission District 5.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 8 be awarded and approved.

- 15-0775** AGENDA ITEM 9 Recommendation to approve the Collective Bargaining Agreement with the Washoe County Public Attorney's Association (WCPAA) for the period July 1, 2015 through June 30, 2016; ratify same: a 3% Cost of Living Adjustment in base wage effective July 1, 2015; an increase in weekly compensation for employees on scheduled crime consultation duty from \$750/\$800 to \$1,000/\$1,250 and weekly standby pay from \$300 to \$500 for Team Chiefs/designees; and modified language to the Terms of Agreement. [FY 15/16 fiscal impact is estimated at \$383,470]. Human Resources. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 9 be approved.

- 15-0776** AGENDA ITEM 10 Discussion and possible action to approve a final extension of existing Collective Bargaining Agreements beyond the current September 11,

2015 extension date to September 30, 2015.) Human Resources. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 10 be approved.

15-0777 **AGENDA ITEM 11** Action on request from District Attorney to approve the creation a fully benefitted, Deputy District Attorney III position, in support of indigent child welfare activities, funded 100% by Department of Social Services, and direct the Comptroller to make the appropriate fiscal and budget adjustments in support of this action. District Attorney. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 11 be approved and directed.

15-0778 **AGENDA ITEM 12** Discussion and possible action on proposed settlement agreement with Friends of Arrowcreek, LLC relating to the unpaid county utility charges of its predecessor and U.S. Bankruptcy Court Case No. BK-N-14-50087-btb. District Attorney. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 12 be approved.

15-0779 **AGENDA ITEM 13** Recommendation to approve a 2015 Department of Homeland Security (DHS) State Homeland Security Program (SHSP) grant passed through the State of Nevada, Division of Emergency Management for [\$175,000, no match required] for a statewide Recovery project; approval to create an Intermittent hourly Program Assistant position (non-benefitted; 50% grant-funded); [\$16,093] for non-county travel for attendance to Planning and Training events and [\$4,020] in food purchases; retroactive from September 01, 2015 through August 31, 2017; and direct Comptroller to make the appropriate budget adjustments. Manager. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 13 be approved and directed.

AGENDA ITEM 6 Presentation by Susan DeBoer, Washoe County Public Guardian.

Susan DeBoer, Washoe County Public Guardian, conducted a PowerPoint presentation. She introduced two individuals who accompanied her, Deputy Public Guardian Sue Wild and Deputy District Attorney Dania Reid. Ms. DeBoer stated she would be providing an overview of the Washoe County Public Guardian (WCPG) department. She said the Public Guardian's level of service was found in Nevada Revised Statute (NRS) Chapter 159. The public guardian mandate and function was found in NRS Chapter 253. She noted every county in Nevada was mandated to have a public guardian. The Public Guardian provided a necessary and unique public service by serving as the guardian for individuals with cognitive impairments who could be left without assistance or advocacy. She explained as a government agency, the WCPG had the ability to provide a continuity of service as the office was not reliant on any one person. She added the WCPG was an established county system that allowed the continuity of service to remain in the office thus allowing a continuity of care for all of those they served. The Public Guardian did not have the burden of looking at services rendered from a financial perspective as they were a non-profit entity. The majority of those served had limited or no financial resources. Those individuals were usually dependent on Medicaid and other public entitlements. The WCPG was allowed by statute to request and collect court approved fees but they did not collect fees from the estate of a person under guardianship unless it would not compromise their quality of life. Typically the WCPG collected fees at the termination of the case, usually once a person was deceased.

Ms. DeBoer noted the primary function of a guardian was advocacy. Functions also included decision making and providing informed consents for services, medical treatment, placement and financial actions. The WCPG interacted with all the entities a person under guardianship would interface with. She noted the WCPG managed the person's assets, and paid outstanding and ongoing bills from the estate. The WCPG secured and sold real and personal property; and researched and applied for benefits and assistance programs, services and medical treatments. Another WCPG function included investigating for prior abuse and exploitation. She said they participated in any court actions that a person under guardianship might be involved with, they searched for family, and would handle the affairs of a deceased person under guardianship if his or her estate was \$100,000 or less. She stated that the responsibility of decision making and the level of advocacy was what set their role apart from other service providers. She explained a guardian might be needed due to Alzheimer's disease or other dementias. The WCPG served persons 18 years of age or older. Approximately 54 percent of persons the WCPG served were 60 years old and 46 percent were between the ages of 18 to 49.

Ms. DeBoer said a Nevada resident was eligible to have the Public Guardian of a county appointed as their permanent guardian if that person was a resident of that county and had no relative or friend suitable or willing to serve. Prior to the passage of Senate Bill (SB) 262 during the recent legislative session, family members living out of state were prohibited to serve as guardian without an in-state co-guardian. Under SB 262, preference would be given to a nominated person or relative whether or not they were a resident of Nevada. She mentioned several family members testified at the Legislature in support of the bill and shared stories of their negative experiences with private professional guardians. Following the testimony,

legislative action, and media reports, the Nevada Supreme Court formed a commission to study the creation and administration of guardianships. She also noted another legislative change implemented the licensing of private professional guardians, which was anticipated to go into effect in January 2016. She stated in addition to the Supreme Court's Guardianship Commission, the District Court had an ongoing guardianship task force led by Judge Frances Doherty that addressed best practices and procedures in guardianship. The WCPG also received cases from third party petitioners. She added anyone could petition the court for their service, and the WCPG would submit a petition when they received a referral with enough documented verification to support a guardianship and when medical experts were willing to testify. Additionally, the court could directly appoint the WCPG to serve as guardian, serve as successor guardian, or as a case investigator. She said when the WCPG considered the filing of a petition they wanted to make sure they looked at all the available alternatives. In addition, the National Governors Association (NGA) for Best Practice required supported decision making prior to instituting a guardianship. If guardianship was determined to be necessary, the WCPG would tailor the guardianship as much as possible using a person-centered approach. The person under guardianship had the right to the least restrictive guardianship that would meet his or her needs. She mentioned in 2014 the WCPG petitioned for and was appointed to 20 cases. She added they were petitioned by third party petitioners and appointed to 16 of those cases, and were appointed for 5 court investigations. The WCPG received a total of 92 referrals and they managed an average of 283 cases monthly.

Ms. DeBoer addressed a list of the WCPG's accomplishments over the last year. She noted the WCPG Family Guardianship Training Program had been in operation for approximately eight years. The purpose of the training was to familiarize and educate those interested in taking on the duties of a guardian for a loved one. The classes were held by volunteer attorneys and one of their case managers. She said all of the WCPG's wards were adopted and received Christmas gifts the past year through the donation efforts of Home Instead, Sertoma Club, and The Bridge Baptist Church. She discussed emerging issues by stating seven out of fifteen public guardian employees were eligible to retire any time within the next three years. She mentioned the WCPG began succession planning in the fall of 2014 with the assistance of Kathy Hart and Karen Jeffers of Human Resources. She noted Ms. Jeffers took the lead in the process and it had been extremely productive. She added the WCPG developed three levels for the guardian case manager's position; a case manager trainee, a case manager I and a case manager II. She also added they updated the supervisor job specifications and were looking at the public guardian specifications. She indicated they were in the process of reviewing various systems to replace their current software and case management systems which were eight years old. She said All Williams of Technology Services was their lead in that effort.

Ms. DeBoer ended her portion of the presentation by stating cases continued to be complex. The WCPG saw cases with issues related to real property in other states or countries, small mineral rights in other states, joint ownerships, foreign incomes, and foreign bank accounts. She said they had seen and anticipated increasing appointments in existing cases as a result of private professional guardian retirements, and the inability or discontinuation of those services. She noted the need for guardianship services as the senior population continued to rise. She stated the WCPG faced various challenges that included finding placement for individuals

between the ages of 18 to 59 and for persons of all diagnosis and ages that exhibited disruptive or threatening behaviors.

Sue Wild, Deputy Public Guardian, continued the presentation by stating in 2006 Dan Cohen founded the Music & Memory program. She explained how Mr. Cohen felt that if he ever had to be in a nursing home, he wanted to be able to listen to his favorite kinds of music. Mr. Cohen discovered, through his research, that in the 16,000 extended care facilities in the United States, none of them had personalized playlists or music through iPods for their patients. Ms. Wild provided a brief history of the Music & Memory program. She stated Mr. Cohen found that playing personalized music for some of the people affected by dementia under guardianship resulted in very positive reactions in the individual's behavior. With that information, the WCPG formed a committee to bring Music & Memory to the persons they served. The WCPG's ultimate goal was to reduce the number of dementia related behaviors that caused persons to be sent out of state for placement. An additional benefit for each person was the increased engagement in their environment and an enhanced quality of life. She noted an individual with dementia would often be confused, paranoid, frightened or withdrawn due to the isolation that came with dementia. She also added those individuals would strike out at others when they could not communicate and when their needs were not being met. She stated the WCPG felt if there was a way to intervene and redirect that person before their behavior escalated, it would be a way to maintain their placement locally.

Ms. Wild explained the committee established by the WCPG included a few of the staff from the WCPG's office and Ali Williams from Technology Services. She mentioned Music & Memory founder Dan Cohen was extremely helpful and he had good suggestions. The most challenging tasks for the committee were to find facilities willing to allow the program to be implemented and for those facilities to accept the responsibility of safeguarding the necessary equipment. She said the WCPG utilized social work interns from the University of Nevada, Reno to develop personalized playlists for each of the persons involved. She added an Excel spreadsheet was created to track the expenditures and the song lists. She stated the equipment was purchased through Best Buy, which was extremely cooperative in allowing each of the orders to be placed individually, with a check written directly out of the Ward's estate. The songs were purchased with iTunes gift cards and downloaded onto the iPods. The distribution of the iPods was coordinated with activity directors and nursing staff at the facilities. She said the current goal was to be able to prove to the facility staff that listening to music could calm a resident down before their behavior escalated to the point where someone would get hurt or the point when a sedative had to be given.

Ms. Wild stated the WCPG anticipated the knowledge gained from the Music & Memory program would be used in the development of individualized care plans for the persons under guardianship. She added their current social work interns were going to gather the data for them. She believed once the participating facilities' staff saw and understood the benefits and the power of this intervention they could advocate their facility to utilize the program. She said the WCPG would share the information with other facilities, and the Music & Memory non-profit organization would assist those facilities in implementing the program with a buy-in cost. She concluded by stating none of this would have been possible without the dedication, perseverance, enthusiasm and caring nature of all of those involved.

Commissioner Hartung thought the Music & Memory program was amazing. He noted he was very supportive of the program. He said Alzheimer's would affect many people as the population aged. He added the WCPG was doing a great job.

Ms. DeBoer noted the placement of individuals with behavior issues in Northern Nevada was scarce. She added behavior issues related to dementia and Alzheimer's were a major challenge. The WCPG placed 12 individuals in out-of-state facilities, which were regular nursing homes, because none of the facilities here would take them.

Commissioner Hartung asked if the WCPG had partnerships with the memory care facilities here in town.

Ms. DeBoer stated the memory care facilities were usually private paid facilities and the WCPG served mostly indigent persons so they did not have much interaction.

Chair Berkbigler mentioned a personal experience with her mother who had dementia. She noted her mother could remember the words to a song and sing it, but she was unable to carry a conversation. She thanked the public guardians for all they did.

15-0781 **AGENDA ITEM 7** Appearance: Dr. Georgene Chase, Smile Restore. Presentation regarding free/low cost dental services provided in the community. (All Commission Districts.) Requested by Commissioners Jung and Hartung.

Nancy Parent, County Clerk, stated she was provided with the Smile Restore handouts which were distributed to the Board and were placed on file with the Clerk.

Georgene Chase, DDS, MPH, opened with a comment about medical marijuana not being of help with dental pain. She read aloud the Smile Restore mission statement from the flier provided to the Board. She provided a brief history of her family, and her personal and professional background. She asked the Board for assistance with helping indigent residents with their dental care. She stated she had acquired a building on Wells Avenue which she had equipped and staffed. The facility operated at least 17 days per month. She noted Smile Restore was an official 501(c)(3) non-profit organization. Smile Restore was seeking donors, donations, and volunteers. She added Smile Restore had enough equipment to expand their program once they were ready. She mentioned the Catholic Charities of North Nevada was assisting them with the installation of a ramp and the City of Reno was helping them pass City Code hurdles. She stated she planned on working with the Nevada State Legislature on statutes to be able to bring in volunteer dentists from out of state. Smile Restore was working on hiring more hygienists and dentists. She said Smile Restore was also working on selling licensing agreements with out of state entities that wanted to replicate their program. She gave examples of patients who had dental infections, and she described how these infections could manifest in other parts of the body; such as, the face and neck. She noted many people with dental infections ended up going to hospitals for care. These individuals would be incorrectly diagnosed and they would not receive the appropriate care.

Commissioner Jung asked Kevin Shiller, Assistant County Manager, to see if the County could create a fund to address serious dental issues. She felt by providing appropriate dental care to indigent residents, the County could reduce the amount of money paid for the hospitalization of the indigent. She mentioned she would like to see this fund established soon. She thanked Dr. Chase for her work.

Dr. Chase stated she believed Smile Restore already saved the County money as she prevented unnecessary trips to the hospitals by the indigents through her program.

Commissioner Hartung thanked Dr. Chase and he asked her if she worked with the Truckee Meadows Community College's (TMCC's) Dental Hygiene program.

Dr. Chase indicated Smile Restore had not yet reached out to the TMCC but she planned to. She added she would like to reach out to the dental school in Las Vegas and utilize Smile Restore as a training facility.

Commissioner Hartung stated the County had a good working relationship with the TMCC and would help her reach out to them. He also mentioned the working relationships the County had with Renown and Saint Mary's Hospitals.

Dr. Chase mentioned Reno City Council member Oscar Delgado was also trying to help out.

Commissioner Hartung added that the Compassion Community Clinic in Sparks was doing similar work to Smile Restore.

15-0782 **AGENDA ITEM 15** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no closed session.

15-0783 **AGENDA ITEM 17** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

Katherine Snedigar spoke about the State of Nevada seal in the County Chambers. She explained the wording meant the State was a corporation. She talked about the Citizen Advisory Board's lack of attendance and how County staff did not obey the constitution. She stated she had issues regarding Palomino Valley being considered a residential subdivision.

15-0784 **AGENDA ITEM 18** Commissioners' Manager's announcements.

There were no announcements.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

COMMUNICATIONS:

15-0785 Washoe County Library Board of Trustees Bylaws for FY 2015-16.

15-0786 Washoe County Investment Portfolio – Annual Report dated August 7, 2015.

MONTHLY STATEMENTS

15-0787 Monthly Statement of Washoe County Treasurer, Month ending June 30, 2015.

15-0788 Monthly Statement of Washoe County Treasurer, Month ending July 31, 2015.

QUARTERLY FINANCIAL STATEMENTS

15-0789 County Clerk’s Quarterly Financial Statement for FY 2014-15.

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12:36 p.m. There being no further business to discuss, on motion by Commissioner Hartung, seconded by Commissioner Jung with Commissioner Lucey absent, which motion duly carried, the meeting was adjourned.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Michael Siva, Deputy County Clerk*